

COASTAL CONSERVANCY

Staff Recommendation

March 2, 2006

LAGUNA COAST WILDERNESS PARK ACQUISITION

Decker/Bossard Property

File No. 06-008

Project Manager: Deborah Ruddock

RECOMMENDED ACTION: Authorization to disburse up to \$171,300 to the City of Laguna Beach for the acquisition of the 11.42 acre Decker/Bossard property adjacent to the Laguna Coast Wilderness Park.

LOCATION: City of Laguna Beach, County of Orange

PROGRAM CATEGORY: Public Access

EXHIBITS

Exhibit 1: Project Location and Site Maps

Exhibit 2: Regional Park Map

Exhibit 3: Letter from Orange County

Exhibit 4: Letters of Support

RESOLUTION AND FINDINGS:

Staff recommends that the State Coastal Conservancy (Conservancy) adopt the following resolution pursuant to Sections 31400-31409 of the Public Resources Code:

“The State Coastal Conservancy hereby authorizes the disbursement of an amount not to exceed one hundred seventy-one thousand three hundred dollars (\$171,300) to the City of Laguna Beach (“City”) for the acquisition of the Decker/Bossard property, County of Orange Assessors Parcel No. 632-081-08, adjacent to the Laguna Coast Wilderness Park (“LCWP”). This authorization is subject to the following conditions:

1. Prior to the disbursement of any Conservancy funds for the acquisition of the property, the City shall submit for the review and approval of the Executive Officer of the Conservancy (“the Executive Officer”):
 - a. All relevant acquisition documents, including without limitation, an appraisal, purchase agreement, escrow instructions, environmental assessment, and title report.

- b. Evidence of commitment by the County of Orange to manage the property as part of the Laguna Coast Wilderness Park for open space, public access and wildlife habitat.
2. The City shall pay no more than fair market value for the property, as established in an appraisal approved by the Executive Officer.
3. The City shall permanently dedicate the property for open space, public access and habitat preservation, through an appropriate instrument approved by the Executive Officer.
4. The City shall acknowledge Conservancy and Proposition 12 funding by erecting and maintaining signs on the property, the design and location of which have been approved by the Executive Officer.

Staff further recommends that the Conservancy adopt the following findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with Chapter 9 of Division 21 of the Public Resources Code (Sections 31400-31409) with respect to public access. The proposed acquisition will connect important coastal watershed and scenic areas in the Laguna Coast Wilderness Park, part of a regional park system.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines adopted by the Conservancy on January 21, 2001.
3. The proposed project would serve a greater-than-local need.”

PROJECT SUMMARY:

Proposition 12 (“Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000”) funds appropriated to the Conservancy may be used to undertake projects in the South Coast Wilderness system of coastal canyons and watersheds in south Orange County, including, but not limited to, acquisition of properties to be added to the Laguna Coast and Aliso and Wood Canyons wilderness parks. Under the proposed authorization, a portion of these funds totaling \$171,300 would be granted to the City of Laguna Beach to acquire the 11.42-acre Decker/Bossard Property for inclusion in the adjacent Laguna Coast Wilderness Park (LCWP).

Decker/Bossard Acquisition

The Decker/Bossard property is located in the Laguna Canyon Creek watershed, a coastal watershed, and lies immediately adjacent to LCWP. The property offers important trail and greenbelt connections to the coast and to other parks and open space lands within the 19,000-acre South Coast Wilderness regional system of marine preserves, wilderness parks and preserves (Exhibit 2). The property is located in the coastal zone and is adjacent to Laguna Canyon Road, a major regional coastal access route.

Public Access

The Decker/Bossard property is directly contiguous to the Alta Laguna Regional Ridgeline Trail, one of the most important trails in the South Coast Wilderness regional open space system. The

trail traverses the adjacent Trinity and Wainwright properties, purchased with Conservancy Proposition 12 funds in 2004 (See “Realization of Prior Conservancy Goals” section below.) The Alta Laguna Regional Ridgeline Trail begins at the terminus of Alta Laguna Boulevard, a major City thoroughfare with direct access to numerous Laguna Beach neighborhoods and connections to Pacific Coast Highway, a key access route for visitors to Laguna Beach. Parking on Alta Laguna Boulevard is abundant and is commonly used for accessing the Decker/Bossard property from a downward slope (versus climbing uphill from Laguna Canyon Road).

A crucial element of the Alta Laguna Regional Ridgeline Trail is that it connects to a broader regional system, the South Coast Wilderness, whose trails serve residents of inland cities such as Laguna Hills, Irvine, Laguna Woods, Aliso Viejo, and Laguna Niguel. The trailhead at Alta Laguna Boulevard and its adjacent public park, Alta Laguna Park, is a major crossroads for this regional system and provide an efficient way to reach both ocean and inland wilderness areas.

Resource Values

The Decker/Bossard property is in excellent physical shape and features untouched coastal sage scrub and chaparral habitat from boundary to boundary. Habitat value has been mapped by City of Laguna Beach biologist Karlin Marsh as “very high value” and “high value.” These are the highest and second highest classifications habitat can receive in Laguna Beach. As detailed in the Laguna Beach property matrix provided to the Coastal Conservancy, “Very High Value Habitat” signifies the presence of highly sensitive, regionally crucial or endangered species. “High Value Habitat” signifies sensitive and diverse indigenous species with a high priority for conservation.

Besides featuring important habitat, the property is also part of a critical watershed. The property features two major mapped watercourses. In addition, the Decker/Bossard property is directly adjacent to the Wainwright property, a recent Proposition 12 conservation acquisition. The Wainwright property was designated by City of Laguna Beach consultant biologist Karlin Marsh as the single most important wildlife corridor in the entire Laguna Coast Wilderness Park. Accordingly, the acquisition of the Decker/Bossard property will provide a crucial buffer zone and wildlife connection for this critical wildlife corridor.

The Laguna Canyon Foundation, a local non-profit foundation, has negotiated a purchase agreement to acquire the Decker/Bossard property for \$171,300. This purchase price is consistent with fair market value as determined by independent appraisal. LCF will assign the property to the City just before closing so that the City can accept title from the willing seller. The city will pay escrow and title insurance costs. Following acquisition, the City intends to lease the property for a nominal amount to the County of Orange in perpetuity. The County will manage the property as part of the LCWP (Exhibit 3, Letter from Orange County).

With the approval of the project that is the subject of the proposed authorizations, approximately \$8.8 million of Proposition 12 funding appropriated to the Conservancy would remain available for projects. Project proponents expect to seek Proposition 12 funding in June of 2006 to acquire two additional properties that are contiguous with the Trinity, Wainwright and Decker/Bossard properties and adjacent to LCWP in the South Coast Wilderness system of parks and preserves.

Site Description:

The Decker/Bossard property is located in the Laguna Canyon Creek watershed, a coastal watershed, adjacent to the Laguna Coast Wilderness Park (LCWP) and lies southeast of Laguna Canyon Road. The property is irregularly shaped and is steeply sloped. The property is in excellent physical condition and features essentially untouched chaparral and coastal sage scrub habitat. The Decker/Bossard property has numerous sandstone outcroppings and caves, which are both scenic and ecologically vital.

A major regional trail, the Alta Laguna Ridgeline Trail, runs along the eastern ridgeline border of the Decker/Bossard property. This trail features expansive coastal and wilderness views and provides crucial recreational access for more than 500,000 residents in the cities bordering the South Coast Wilderness regional open space system, of which the LCWP is a part.

Project History

The Decker/Bossard acquisition is part of a series of acquisitions intended to augment the South Coast Wilderness system of coastal canyons, watersheds and trails in south Orange County. Proposition 12 (The “Safe Neighborhood Parks, Clean Water, Clean Air, and Coastal Protection Bond Act of 2000”) allocated \$12,500,000 to the Coastal Conservancy to undertake projects in this region. Since the passage of this bond act, the Laguna Canyon Foundation (the “Foundation”), the City of Laguna Beach, and the County of Orange have been working together and with the public to identify and prioritize acquisition opportunities. The resulting 2001 City of Laguna Beach Open Space Report identified fee acquisition of the Decker/Bossard property as a top priority because of its proximity to the Laguna Coast Wilderness Park and its value for public access, habitat, and visual resources. Tapping a 2004 Conservancy grant of \$100,000 for pre-acquisition expenses (property documents, transaction management) associated with Proposition 12 projects, the Foundation negotiated the purchase and sale of the property on behalf of the City. For additional background information, see the “Realization of Prior Conservancy Goals” section below.

PROJECT FINANCING:

Coastal Conservancy:	
Decker/Bossard Property	\$171,300
TOTAL	\$171,300

The expected source of Conservancy funds for the proposed project is a FY 2004/2005 appropriation to the Conservancy of funds allocated for Laguna Coast Wilderness Park acquisitions in the Safe Neighborhood Parks, Clean Water, Clean Air and Coastal Protection Bond Act of 2000 (Proposition 12).

CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:

This project is consistent with the Conservancy's enabling legislation, Division 21 of the Public Resources Code, specifically with Chapter 9 pertaining to public coastal access.

Under §31400, the Conservancy has a principal role in the implementation of a system of public access ways to and along the coast. The Conservancy's funding of the Decker/Bossard acquisition is consistent with Chapter 9 because of the opportunities for trail connectivity to the coastline and to the thousands of acres of wilderness in the South Coast Wilderness regional system of parks and preserves.

Under §31400.1, the Conservancy may award grants to any public agency to acquire land for public access purposes to and along the coast if the Conservancy has determined that the access way will serve more than local public needs. As discussed in the project summary and site description, the Decker/Bossard property will not only provide coastal and wilderness access to local residents of Laguna Beach, but also to thousands of residents in the surrounding cities via the contiguous Alta Laguna Regional Ridgeline Trail. The trail connects to the broader South Coast Wilderness regional system of parks, preserves and trails that serve residents of inland cities such as Laguna Hills, Irvine, Laguna Woods, Aliso Viejo, and Laguna Niguel.

Under §31400.2, the Conservancy may provide up to the total cost of the acquisition of interests in lands by a public agency, with the amount of funding determined by the total amount available for coastal access projects, the fiscal resources of the applicant, and the urgency of the project relative to other eligible projects. Consistent with this section, the amount of proposed Conservancy funding has been determined with an understanding of the estimated costs of acquiring additional properties for inclusion in the LCWP; the total amount available (\$8,869,560) from the Proposition 12 allocation for Park acquisitions, the readiness of the sellers relative to owners of other priority properties, and the financial limitations of the grantee.

Under §31400.3, the Conservancy may provide such assistance as is required to aid public agencies and nonprofit organizations in establishing a system of public coastal access ways, and related functions necessary to meet the objectives of Division 21. Consistent with this section, the City of Laguna Beach and the Laguna Canyon Foundation will use authorized funds to acquire properties necessary for the protection and enhancement of key trail links in a coastal wilderness park system.

Consistent with §31409, the proposed authorization for land acquisition will assist the City of Laguna Beach in expanding an inland trail system that will link to the California Coastal Trail.

**CONSISTENCY WITH CONSERVANCY'S
STRATEGIC PLAN GOAL(S) & OBJECTIVE(S):**

Consistent with **Goal 2, Objective A** of the Conservancy's Strategic Plan, the proposed acquisition in fee will protect open space, outstanding visual resources, and existing access ways. The Decker/Bossard property features access ways that link to the broader South Coast Wilderness regional system of parks and preserves trail system serving multiple communities from Newport Beach to Dana Point.

Consistent with **Goal 4, Objective A**, acquisition of the Decker/Bossard property will help protect a significant wildlife corridor, and will preserve scenic vistas and open space in an urban area of more than 3 million.

Consistent with **Goal 5, Objective A**, the proposed project will result in the acquisition in fee of approximately 11.42 acres of high quality coastal sage scrub, chaparral, toyon, and rare riparian habitat.

CONSISTENCY WITH CONSERVANCY'S PROJECT SELECTION CRITERIA & GUIDELINES:

The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines adopted January 24, 2001, in the following respects:

Required Criteria

1. **Promotion of the Conservancy's statutory programs and purposes:** See the "Consistency with Conservancy's Enabling Legislation" section above.
2. **Consistency with purposes of the funding source:** See the "Project Financing" section above.
3. **Support of the public:** The Laguna Canyon Foundation, the City of Laguna Beach, and the County of Orange support the project. See the letter of support from Orange County (Exhibit 3) and Letters of Support (Exhibit 4).
4. **Location:** The proposed project would be located within the coastal zone of the City of Laguna Beach.
5. **Need:** The City of Laguna Beach, which has severely limited general fund monies available which is even more exacerbated by a major landslide now undergoing restoration, and is unable to acquire the properties without funds provided by the Conservancy. Absent the proposed acquisitions, the current property owners could pursue limited residential development consistent with the zoning. The development would then fragment the surrounding wilderness parkland.
6. **Greater-than-local interest:** As discussed in various sections above, the Decker/Bossard property features links to the broader South Coast Wilderness regional system of parks and preserves trail system serving multiple communities from south of Newport Beach to Dana Point.

Additional Criteria

13. **Realization of prior Conservancy goals:** The Coastal Conservancy has long assisted with planning and restoration in the area of southern Orange County known as the South Coast Wilderness (Exhibit 2). In the late 1970s, the Conservancy helped design the Aliso Greenbelt. Later, the Conservancy provided funding for restoration of habitat in the Laguna Lakes, Orange County's only natural freshwater lakes in what is now known as the Laguna Coast Wilderness Park (LCWP). In 2002, the Coastal Conservancy worked with the California Department of Parks and Recreation on disposition of the cottages at Crystal Cove. Along the Laguna coast, the Conservancy has assisted with many beach access projects.

Proposition 12 allocates funds to the Conservancy to acquire property in this region. In May 2002, the Conservancy provided \$2,435,000 to the City of Laguna Woods to acquire the 10.6-acre Rossmoor parcel adjacent to the Laguna Coast Wilderness Park north of Laguna Canyon Road; the City acquired the property in 2003 for inclusion in the LCWP. The Conservancy also allocated \$800,000 in March 2004 for the City of Laguna Beach to acquire

the Trinity and Wainwright properties, totaling 70 acres of habitat and coastal and wilderness trails. At the same time, the Conservancy provided a \$100,000 grant to the Foundation for pre-project expenses associated with future Proposition 12 acquisitions, including the costs of property documents (appraisals, title reports, environmental assessments, etc.) and staff time for negotiations and transaction administration.

Additionally in 2005 the Conservancy authorized a \$295,440 grant to the Foundation for the interpretive exhibit program for the Nix Nature Center at Laguna Coast Wilderness Park. The nature center and exhibits are under construction now, with completion expected in Fall 2006.

CONSISTENCY WITH THE COASTAL ACT:

The proposed project is consistent with the following specific policy of the Coastal Act, Public Resources Code Sections 30000 *et seq.*:

Consistent with §30251, acquisition of the Decker/Bossard property will protect significant scenic and visual qualities of the area as a resource of public importance.

Section 30500(a) mandates that “each local government lying, in whole or in part, within the coastal zone shall prepare a local coastal program for that portion of the coastal zone within its jurisdiction.” Consistent with this section, the City of Laguna Beach has a certified Local Coastal Program, and the proposed project is consistent with this program (Title 25 Section 25.07.002 City of Laguna Beach Municipal Code), in that the project will provide permanent protection for natural and scenic coastal resources.

CONSISTENCY WITH LOCAL COASTAL PROGRAM POLICIES

The proposed project is consistent with the City of Laguna Beach’s General Plan/Local Coastal Program.

Topic 5 Parks, Policy 5B of the GP/LCP Open Space/Conservation (OS/C) Element calls for the City to support recreational use of open space lands, where environmentally feasible, with recreational access limited to passive activities such as nature trails and wildlife observation areas.

Topic 6 Trails of the OS/C Element discusses the need to establish a network of trails throughout the City interconnecting with proposed and existing trails within the regional wilderness park system. Policy 6C calls for the City to pursue funding for the acquisition, development, operation and maintenance of a local trail system. Policy 6L calls for the City to provide public pedestrian access to Open Space/Recreation areas, except where it is inconsistent with public safety or protection of fragile coastal resources. Policy 6M calls for the trail network in hillside areas to be oriented to hiking or passive pedestrian recreational use.

Topic 7 Visual Resources discusses preservation of the City’s natural open space on the basis of its scenic quality as an issue of special importance to the community. Policy 7I calls for public acquisition and management of notable geologic features and vista sites.

Topic 8 Vegetation and Wildlife Resources Policy 8A calls for preservation of coastal canyon wilderness throughout the City; the Decker/Bossard property is part of a coastal canyons system.

Policy 8M calls for preservation of a continuous open space corridor within the hillsides to allow for animal migration opportunities.

COMPLIANCE WITH CEQA:

The proposed acquisition is exempt from the California Environmental Quality Act (CEQA) under 14 Cal. Code of Regulations §15325 in that it constitutes transfer of ownership to preserve open space and habitat. The project also is exempt under §15316, which exempts a conveyance to establish a park where the land is in a natural condition and the management plan has not been prepared or calls for retaining the land in a natural condition. Here, the acquisition is intended as part of the Laguna Coast Wilderness Park, and the County's General Development Plan for the Park proposes to keep the area in a natural condition.